

12/18/2020

Exhibit No. 13

Witness: Ernest Kim



Ernie Kim <erniekim@gmail.com>

Termination from Your Employment at Giddy

1 message

Christopher Clark <christopher@getmegiddy.com>

Mon, Apr 6, 2020 at 1:28 PM

To: erniekim@gmail.com

Cc: Brett Jacobson <brett@getmegiddy.com>, H R <hr@getmegiddy.com>

Ernie -

Upon information, we have reason to believe that your resume and job application included both false information and misleading representations. Effective immediately, your employment at Giddy is terminated.

You are instructed to protect and return the company equipment now in your possession, which includes a laptop, computer charging cord, a mouse, a hard case, and keys. To hasten that process, Kristen will be sending you a FedEx label and packaging that you can use to return the property. You have three business days upon receiving the packaging and label to return the property.

Your pay through 4/6/20 will be mailed to you. Please confirm that this is the correct address to which we can send the check: [6510 Kathleen Court, Garland, TX 75044](#).

We wish you the best in your future endeavors.

--

Christopher Clark

General Counsel

Giddy Holdings, Inc.

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EXHIBIT
B-14

Exhibit No. 14

Witness: Ernest Kim

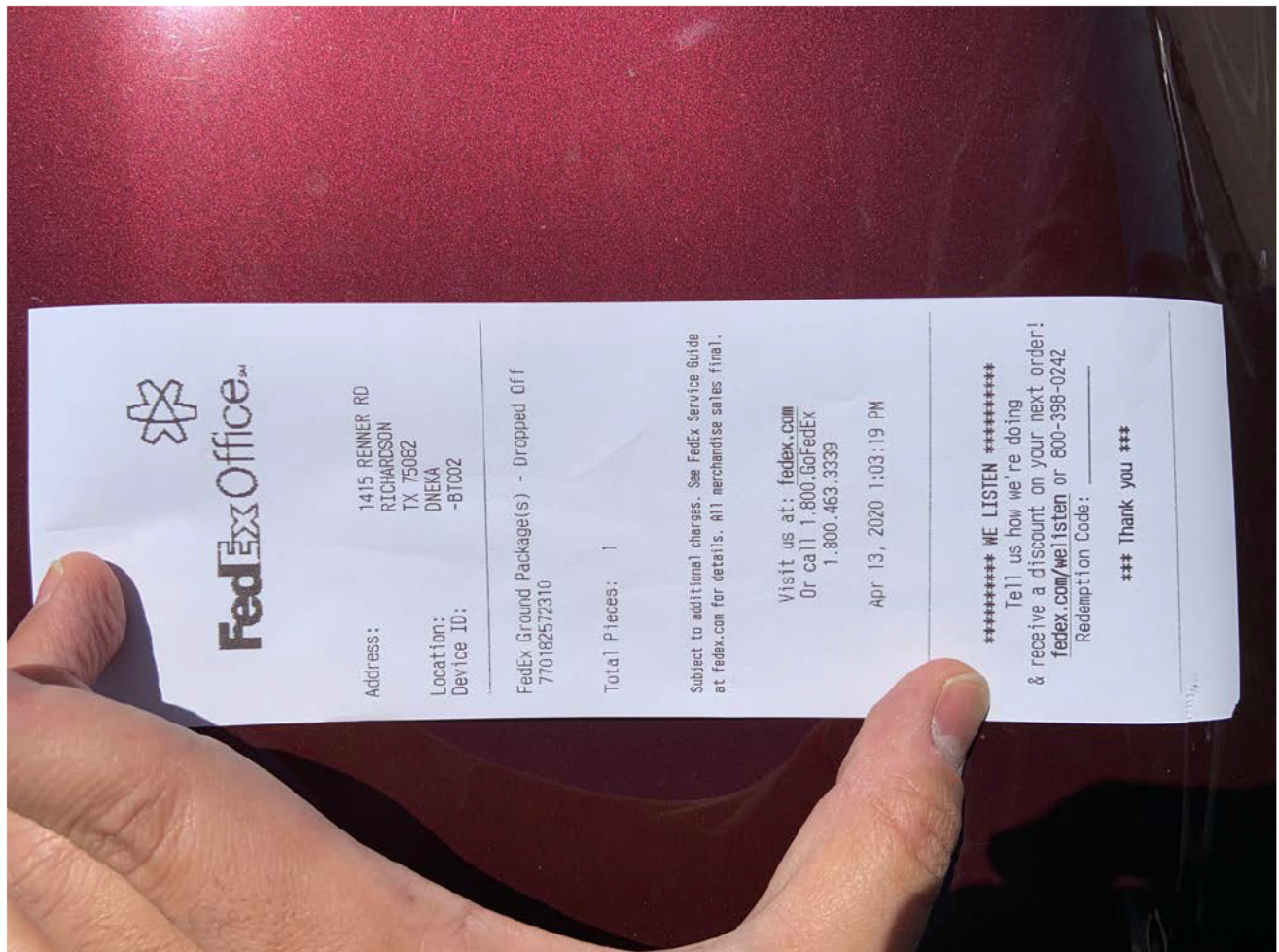
----- Forwarded message -----

From: **Ernie Kim** <erniekim@gmail.com>

Date: Mon, Apr 13, 2020 at 1:04 PM

Subject: Re: Return of Company Property

To: Christopher Clark <christopher@getmegiddy.com>



Sent from my iPhone

GIDDY000188

On Apr 13, 2020, at 10:34 AM, Christopher Clark
<christopher@getmegiddy.com> wrote:

Mr. Kim -

On April 6, you were notified and instructed to return Giddy's property that was in your possession, which included a laptop among other various items. As of April 7, you were delivered FedEx packaging and a label in order to do so. Three business days have passed and Giddy has still not received its property.

Attached is a demand letter to return such property by noon tomorrow, or legal action will commence.

Many thanks,

--

Christopher Clark
General Counsel
Giddy Holdings, Inc.

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<Demand Letter -Return Company Property.pdf>

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Christopher Clark
General Counsel
Giddy Holdings, Inc.

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**EXHIBIT
B-16**



April 6, 2020

CONFIDENTIAL COMMUNICATION

VIA EMAIL & REGULAR US MAIL

Ernest Kim [REDACTED]
6510 Kathleen Court
Garland, TX 75044

Re: Notice to Cease and Desist Defamation and Business Disparagement

Dear Mr. Kim,

Please be advised that Giddy Holdings, Inc. ("Giddy") has recently become aware that you have breached the non-disparagement provisions of the At-Will Employment, Confidential Information, Invention Assignment, and Arbitration Agreement ("Agreement"), including the publication of false and disparaging information about Giddy. **This letter is to advise you to cease and desist such activities immediately.**

On March 2, 2020, you executed the Agreement, which includes the following non-disparagement provision, in Section 2(E):

"I agree to refrain, both during and after my employment, from publishing any oral or written statements about the Company or any of the Company's equity holders, members, shareholders, managers, officers, employees, consultants, agents or representatives that (i) are slanderous, libelous or defamatory; or (ii) place the Company or any of the Company's equity holders, members, shareholders, managers, officers, employees, consultants, agents or representatives in a false light before the public. A violation or threatened violation of this prohibition may be enjoyed by the courts. The rights afforded the Company under this provision are in addition to any and all rights and remedies otherwise afforded by law."

On April 5, 2020, you violated the above-stated portion of the Agreement by posting several messages on Twitter to various parties, including a current Giddy investor, threatening to make certain representations about Giddy that are defamatory and will therefore place the Company and its representatives in a false light. These messages include:

- "@ErinBurnett a follower since CNBC days. I have one story that involves SEC fraud, fraud with PPP (government funding), forcing employees to come to work despite Covid 19 lockdown and wrongful termination because Asian people created Covid 19. Yes, all in one sorry. Interested?"
- "@MettaWorld37 someone might be using your name to pull a fraud in a company you might have invested in.
- "@mcuban need your help! A startup company who allegedly pitched to you forced employees to come to work despite the shelter in place order and now that an employee might have the virus (waiting for his test result), CEO is threatening to sue him.

The Giddy logo is displayed in white text on a dark blue rectangular background.

- @ravenambers interested in covering a story that involves a racial discrimination, a fraud to secure more money from PPP, and much more in one single story?

The above statements made in reference to Giddy Holdings, Inc., as well as Mr. Brett Jacobson, CEO, are factually untrue and without merit. Not only have your attempts to spread defamatory material about Giddy and Mr. Jacobson caused (and will cause) serious injury to both persons, as well as their reputations and business interests, but they violate the very terms of the Agreement that you executed.

This cannot be allowed to continue unabated.

Therefore, we are demanding that you:

- 1. Immediately remove from all websites, including Twitter, all defamatory and disparaging remarks regarding Giddy and Mr. Jacobson made by you or any of your anonymous pseudonyms;**
- 2. Immediately cease and desist in publishing any defamatory statements about Giddy and Mr. Jacobson, whether the statements are made by you or any third party, including any pseudonyms you may use.**

Please note that we do not attempt to restrict legitimate free speech, and we believe the Internet is an important medium for disseminating *accurate and truthful* information. Your activities, however, have violated your agreement with Giddy and are unlawfully encroaching upon the rights of Giddy and Mr. Jacobson.

This letter serves to put you on notice that should you refuse to comply with our demands by **5:00pm on April 7, 2020**, we will have no choice but to pursue all legal causes of action against you. And, in that case, we will pursue all available legal remedies, including but not limited to, requesting injunctive and monetary relief in the form of damages and attorneys' fees incurred by Giddy and Mr. Jacobson as a result of your actions.

This is a very serious matter that requires your immediate attention. We strongly recommend that you take action by doing the above or contact us immediately to address and resolve this situation. This letter is the only one we will send to resolve this matter amicably before taking stronger measures.

If you so choose to contact us, please do so at (254) 307-1221 or [REDACTED]

The foregoing is not intended to be a complete recitation of all applicable law and/or facts, and shall not be deemed to constitute a waiver or relinquishment of any of Giddy's rights or remedies, whether legal or equitable, all of which are hereby expressly reserved, including Giddy's right to all available remedies, including but not limited to the recovery of costs and attorneys' fees.

Finally, this letter formally puts you on notice of potential litigation. You have an ongoing legal duty to take all necessary steps to preserve, and not destroy, conceal, or alter, any and all communications and documents relevant to this matter, including by way of example, and without limitation, computers, tablets, phones, emails, text messages, social media posts, voicemails, records, files, and other data, wherever located and regardless of the format or media. Violations of this obligation, such as purposeful destruction of such evidence, can result in severe sanctions.

The Giddy logo is displayed within a dark blue rectangular box. The word "Giddy" is written in a white, bold, sans-serif font.

Please be aware that this letter is copyrighted by Giddy, and you are not authorized to republish this in any manner. Use of this letter in a posting, in full or in part, will subject you to further legal causes of action.

Sincerely,

A handwritten signature in black ink that reads "Chris Clark".

Christopher Clark
General Counsel
Giddy Holdings, Inc.